

REMARKS

This responds to the Office Action mailed on March 17, 2008.

Claims 1 and 9 are amended, claim 8 is canceled, and no claims are added; as a result, claims 1-7 and 9-14 are pending in this application.

§112 Rejection of the Claims

Claim 8 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has cancelled claim 8 and incorporated the claimed subject matter of claim 8 into independent claim 1 which is amended to clarify as to when the first certificate may be provided and when the first certificate may not be provided. Entry and consideration of the amendment to claim 1 is respectfully requested.

§102 Rejection of the Claims

Claims 1-9 and 12-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by McGarvey (U.S. 6,643,774; hereinafter “McGarvey”).

As noted above, claim 8 has been cancelled and the subject matter of claim 8 has been incorporated into amended independent claim 1.

Applicant has amended independent claims 1 and 9 to clarify that the “the first certificate is provided to the authorizer without interaction between the client and the third party with regard to the first certificate.” This amendment further clarifies within the language of the claims that there is no interaction between the client and the third party with regard to the first certificate. Applicant respectfully submits that amended independent claims 1 and 9 are patentably distinct from McGarvey because McGarvey fails to teach or suggest a first certificate that is provided by a client to an authorizer without interaction with the third party who is authorized to use the certificate.

For example, in each of the illustrated and described embodiments of McGarvey, such as illustrated and described with regard to FIG. 5-8, the certificate that authorizes the server to perform a function always flows to or through the server. This is contrary to the explicit

language of amended independent claims 1 and 9 where “the first certificate is provided to the authorizer without interaction between the client and the third party with regard to the first certificate.”

Thus, Applicant respectfully submits that amended independent claims 1 and 9 are patentably distinct from McGarvey because McGarvey fails to teach or suggest a first certificate that is provided by a client to an authorizer without interaction with the third party who is authorized to use the certificate as explicitly claimed.

Claims 2-7 and 12-14 depend, directly or indirectly, from patentable independent claims 1 and 9, respectively, and are patentable for at least the same reasons.

Withdrawal of the 35 U.S.C. 102(c) rejections and allowance of claims 1-7, 9, and 12-14 is respectfully requested.

§103 Rejection of the Claims

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarvey in view of Eastlake et al. (“XML-Signature Syntax and Processing;” hereinafter “Eastlake”).

Claim 11 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over McGarvey in view of Ellison et al. (“SPKI Certificate Theory;” hereinafter “Ellison”).

Eastlake and Ellison are provided to show the additional elements of claims 10 and 11. However, Eastlake and Ellison fails to cure the deficiencies of McGarvey noted above with regard to amended independent claim 9. Thus, Applicant respectfully submits that claims 10 and 11 are patentable as they depend from patentable independent claim 9.

Withdrawal of the 35 U.S.C. § 103(a) rejections and allowance of claims 10 and 11 is respectfully requested.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or

legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.


CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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